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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary R. DelDuca
Stephen L. Goulette
Vinod K. Luthra
Marcus C. Merriman

Attorney 47097-01080USPT
Docket:

Serial No.: 09/915,150

Group Art: 1761

Filed: July 25, 2001

Examiner: Unknown

Title: Modified Atmospheric Packaging
and Methods for Making the Same

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.97 and 1.98

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Dear Commissioner:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the reference(s) listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.98(d), copies of the listed references are enclosed.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information disclosed is, or is considered to be, prior art with respect to the present application or material to patentability as defined in 37 C.F.R. §§ 1.56.

The information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present statement, as evidenced by the enclosed search report dated November 29, 2002, for International application no. PCT/US02/23869.

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| CERTIFICATE OF MAILING 37 C.F.R. 1.8 | |
| I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. on the date indicated below: | |
| Date | December 16, 2002 |
| Adrienne White | |

The present Information Disclosure statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits and hence is believed to be timely in accordance with 37 C.F.R. § 1.97(b). Accordingly, no fees are believed to be due in connection with the filing of this Information Disclosure Statement. However, should any fees be deemed necessary (except payment of the issue fee), the Commissioner is authorized to charge any deficiency or to credit any over payment to Jenkens & Gilchrist Account No. 10-0447/47097-01080USPT.

Respectfully submitted,

December 16, 2002
Date


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